

AMENDED IN SENATE MARCH 4, 2013

**SENATE BILL**

**No. 140**

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**Introduced by Senators Leno and Steinberg**

**(Principal coauthors: Senators *Anderson, Cannella, Hancock, and Jackson*)**

**(Coauthors: Senators *Beall, Block, Calderon, Corbett, Correa, De León, DeSaulnier, Hill, Lieu, Liu, Monning, Pavley, Roth, Rubio, Wolk, and Wright, and Yee*)**

**(Coauthors: Assembly Members Ammiano and Blumenfield)**

January 29, 2013

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An act to ~~amend the Budget Act of 2012 by amending Item 0820-001-0460 of Section 2.00 of that act, relating to the state budget~~ *add Section 30015 to the Penal Code, relating to firearms*, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 140, as amended, Leno. ~~Budget Act of 2012: firearms.~~ *Firearms: prohibited persons.*

~~The Budget Act of 2012 made appropriations for the support of state government for the 2012-13 fiscal year.~~

~~This bill would amend the Budget Act of 2012 by revising an item of appropriation for the Department of Justice relating to the Armed Prohibitive Persons System (APPS).~~

*Existing law establishes the Dealers' Record of Sale Special Account in the General Fund with moneys in the account available upon appropriation by the Legislature. Existing law requires the Attorney General to establish and maintain an online database to be known as the Prohibited Armed Persons File, sometimes referred to as the Armed*

*Prohibited Persons System, to cross-reference persons who have ownership or possession of a firearm with those who are prohibited from owning or possessing a firearm.*

*This bill would appropriate \$24,000,000 from the Dealers' Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System, thereby making an appropriation. The bill would require the department to report to the Joint Legislative Budget Committee regarding ways the backlog in the Armed Prohibited Persons System has been reduced or eliminated, as specified. The bill would make related findings and declarations.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California is the first and only state in the nation to establish  
4 an automated system for tracking handgun and assault weapon  
5 owners who might fall into a prohibited status.

6 (b) The online database, which is currently known as the Armed  
7 Prohibited Persons System (APPS), cross-references all handgun  
8 and assault weapon owners across the state against criminal history  
9 records to determine persons who have been, or will become,  
10 prohibited from possessing a firearm subsequent to the legal  
11 acquisition or registration of a firearm or assault weapon.

12 (c) Each day, the list of armed prohibited persons in California  
13 grows by about 15 to 20 people. There are currently more than  
14 19,000 armed prohibited persons in California. Collectively, these  
15 individuals are believed to be in possession of over 34,000  
16 handguns and 1,590 assault weapons.

17 (d) Neither the Department of Justice nor local law enforcement  
18 has sufficient resources to confiscate the enormous backlog of  
19 weapons, nor can they keep up with the daily influx of newly  
20 prohibited persons.

21 (e) It is the intent of the Legislature in enacting this measure to  
22 allow the Department of Justice to utilize additional Dealers'  
23 Record of Sale Special Account funds for the limited purpose of

addressing the current APPS backlog and the illegal possession of these firearms, which presents a substantial danger to public safety.

~~SEC. 2. Item 0820-001-0460 of Section 2.00 of the Budget Act of 2012 is amended to read:~~

~~0820-001-0460—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Dealers' Record of Sale Special Account.....~~      ~~=====~~  
~~Provisions:~~

- ~~1. Dealers' Record of Sale fees collected pursuant to the state law for the registration of assault weapons shall not exceed \$20 per registrant.~~
- ~~2. The Attorney General may augment the amount appropriated in the Dealers' Record of Sale Special Account up to an aggregate of 10 percent above the amount approved in this act for the Division of Law Enforcement, Bureau of Firearms for unanticipated workload associated with this fund. The Attorney General shall notify the chairpersons of the budget committees of both houses of the Legislature, the Joint Legislative Budget Committee, and the Department of Finance within 15 days after the augmentation is made as to the amount and justification of the augmentation.~~
- ~~3. Of the amount appropriated in this item, the sum of \$\_\_\_\_\_ may be used to address the backlog in the Armed Prohibited Persons System (APPS). No later than \_\_\_\_\_, the department shall report to the Joint Legislative Budget Committee the degree to which the backlog has been reduced or eliminated and the number of weapons confiscated through this effort.~~

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*SEC. 2. Section 30015 is added to the Penal Code, to read:*

*30015. (a) The sum of twenty-four million dollars (\$24,000,000) is hereby appropriated from the Dealers' Record of Sale Special Account in the General Fund to the Department of Justice to address the backlog in the Armed Prohibited Persons System (APPS) and the illegal possession of firearms by those prohibited persons.*

*(b) No later than March 1, 2015, and no later than March 1 each year thereafter, the department shall report to the Joint*

Legislative Budget Committee all of the following for the immediately preceding calendar year:

(1) The degree to which the backlog in the APPS has been reduced or eliminated.

(2) The number of agents hired for enforcement of the APPS.

(3) The number of people cleared from the APPS.

(4) The number of people added to the APPS.

(5) The number of people in the APPS before and after the relevant reporting period, including a breakdown of why each person in the APPS is prohibited from possessing a firearm.

(6) The number of firearms recovered due to enforcement of the APPS.

(7) The number of contacts made during the APPS enforcement efforts.

(8) Information regarding task forces or collaboration with local law enforcement on reducing the APPS backlog.

(c) (1) The requirement for submitting a report imposed under subdivision (b) is inoperative on March 1, 2019, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address the current Armed Prohibited Persons System (APPS) backlog and the illegal possession of firearms, which presents an immediate danger to public safety, it is necessary for this act to take effect immediately.